



CITY OF SAN JOSE, CALIFORNIA
OFFICE OF THE CITY ATTORNEY

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JOAN R. GALLO
City Attorney

July 31, 1990

Luke Breit, Manager
Fiscalini For Mayor Campaign
P. O. Box 90127
San Jose, CA 95109-3127

Re: Campaign Contributions - Business Entity

Dear Mr. Breit:

This letter will confirm our telephone conversation regarding Section 2.21.052 of the San Jose Municipal Code which relates to campaign contributions through a business entity. You had asked whether a business entity can contribute to a mayoral candidate when its two partners, a husband and wife who each own exactly 50% of the business, have each already contributed the maximum allowable amount of \$500 to the same mayoral candidate.

Section 2.21.052 provides, in part, that in applying the limitations set forth in Chapter 2.21 to the contributions of a person, a contribution by a "business entity more than fifty percent (50%) of which is owned by the person" is attributable to that person. Since each of the partners in the business entity do not own more than 50% of the business in the facts you have provided this Office, a contribution by such business entity is not attributable to either of the 50% owners of the business.

However, we need to point out that a contribution by a spouse cannot be from monies given or promised by the other spouse but must be independent. San Jose Municipal Code Section 2.21.052.

I will be happy to answer any further questions which you may have regarding this matter.

Yours truly,

JOAN R. GALLO, City Attorney

By:

NORMAN SATO
Sr. Deputy City Attorney

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